

Mayor Patrick McCrory
Rod Autrey
Patrick D. Cannon
Nancy G. Carter
Mike Castano
Malcolm Graham

Mayor Pro Tem Susan Burgess
Don Lochman
James Mitchell, Jr.
Sara Spencer
Lynn Wheeler
Joe White

CITY COUNCIL ZONING AGENDA

Wednesday, October 17, 2001

5:00 p.m. - **Council-Manager Dinner**
Meeting Chamber Conference Room

6:00 p.m. - **ZONING DECISIONS**
Meeting Chamber

DECISIONS

- 1. Petition No. 2001-09 (decision) by Pappas Properties Development, LLC, and Home Depot Expo Design Center** for a change in zoning for approximately 24.7 acres bounded by S. Kings Drive, Baxter Street, Kenilworth Avenue, and John Belk Freeway (I-277), south of Third Street and intersected by S. Independence Boulevard from B-2 to MUDD-O.

The Zoning Committee voted to recommend a ONE-MONTH DEFERRAL of this petition.

Attachment No. 1

- 2. Petition No. 2001-26 (decision) by Michael O'Brien** for a change in zoning for approximately 2.2 acres on the north and south sides of Firth Court between Landis Avenue and Fulton Avenue from R-22MF to UR-2(CD).

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ majority voting rule.

The Zoning Committee voted to recommend APPROVAL of this petition.

Attachment No. 2

3. **Petition No. 2001-33 (decision) by Charlotte City Attorney** to consider a text amendment to the City of Charlotte Zoning Ordinance to add a requirement for masonry perimeter walls to enclose the foundations of modular buildings.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition as modified below contingent on the Charlotte-Mecklenburg School's concern with the amendment having been addressed.

- The following language was added to the last sentence "and shall not apply to accessory mobile or modular units that are part of the public school system, a private school or a place of worship."

Attachment No. 3

4. **Petition No. 2001-63 (decision) by Mecklenburg County Environmental Protection** to consider a text amendment to establish the Lower Lake Wylie Watershed Overlay.

The Planning Committee voted to recommend APPROVAL of this petition with the following modification:

- Mecklenburg County Department of Environmental Protection is to remain the agency responsible for regulating and implementing the buffer and mitigation standards of the ordinance.

Attachment No. 4

5. **Petition No. 2001-62 (decision) by Mecklenburg County Environmental Protection** for a change in zoning to establish the Lower Lake Wylie Watershed Overlay.

A protest petition has been filed and is not sufficient to invoke the $\frac{3}{4}$ majority voting rule.

The Planning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 5

6. **Petition No. 2001-93 (decision) by Reed Enterprises of Charlotte, Inc.**, for a change in zoning for approximately 12 acres located on the west side of James Road, south of Plaza Road Extension and east of East W. T. Harris Boulevard from R-3 to R-4(CD).

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ majority voting rule.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 6

7. **Petition No. 2001-101 (decision) by Hills Communities of Charlotte, Inc.**, for a change in zoning for approximately 62.2 acres located between Lancaster Highway (US Hwy. 521) and Marvin Road, south of Providence Road West from R-3 to MX-2.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 7

8. **Petition No. 2001-103 (decision) by Highwoods Realty Limited Partnership** for a change in zoning for approximately 57 acres located on the southeast corner of W. T. Harris Boulevard and Interstate 85, west of University Executive Park Drive from O-2(CD) and B-1(CD) to O-2(CD) Site Plan Amendment, O-3(CD), and B-2(CD).

The Zoning Committee voted unanimously to recommend APPROVAL of this petition with the following modifications:

- The total number of residential units in Development Area 2(C) will not exceed 335 units.
- The 25-foot area within the setback may be disturbed and replanted in accordance with Class "B" buffer standards.
- The inclusion of pedestrian/transit friendly design guidelines in Section 6 of the Development Standards. Such guidelines require the submittal of preliminary site development plans to the Planning Staff for review.
- The distances from the centerlines of I-85, Harris Boulevard and McCullough Drive are noted on the site plan.
- A 20-foot setback is indicated along Collins and Aikman Drive.
- A note will be added recognizing that once a visibility corridor is created; clustering of buildings within Development Area 1 is a requirement rather than an option.
- Renderings illustrating potential methods for clustering of buildings will be incorporated into the plan along with a note that other clustering concepts could be approved subject to the approval of the Planning Staff.
- The section outlining restrictive covenants will be deleted in order to avoid possible confusion during the permitting process.

Attachment No. 8

9. **Petition No. 2001-104 (decision) by Cindy Glenn and Michael Kampen** for a change in zoning for approximately 0.50 acres located on the east side of Patterson Street, south of North Davidson Street from R-5 to R-8.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 9

- 10. Petition No. 2001-106 (decision) by Emma G. Vernon** for a change in zoning for approximately 27 acres located on the east and west sides of Oakdale Road, north and east of Woodland Circle from R-3 to R-4.

A protest petition has been filed and is sufficient to invoke the $\frac{3}{4}$ majority voting rule.

The Zoning Committee voted unanimously to recommend a ONE-MONTH DEFERRAL of this petition.

Attachment No. 10

- 11. Petition No. 2001-107 (decision) by Centex Homes (Randol Tilghman)** for a change in zoning for approximately 100 acres located on the west side for Reames Road, south of Vance Road from R-3 to MX-2 Innovative and R-8MF(CD).

The Zoning Committee voted unanimously to recommend a ONE-MONTH DEFERRAL of this petition.

Attachment No. 11

- 12. Petition No. 2001-110 (decision) by Gateway Homes** for a change in zoning for approximately 0.68 acres located on the southwest corner of North Davidson Street and Patterson Street from UR-2(CD) to UR-3(CD).

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 12

- 13. Petition No. 2001-112 (decision) by Deltas of Charlotte** for a change in zoning for approximately 2 acres located on the east side of Beatties Ford Road, north of Sunset Road from R-3 to R-8MF(CD).

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 13

- 14. Petition No. 2001-113 (decision) by Mecklenburg County Solid Waste Management** to consider a text amendment to the City of Charlotte Zoning Ordinance to encourage recycling of solid waste to reduce the amount of waste material entering landfills and to meet the recycling goals established by the City of Charlotte and Mecklenburg County.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 14

15. **Petition No. 2001-114 (decision) by Charlotte-Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Zoning Ordinance to require sidewalk connections between commercial buildings and public streets, except for freeways or expressways.

The Zoning Committee voted to recommend DEFERRAL this petition to October 24, 2001.

Attachment No. 15

16. **Petition No. 2001-115 SUB (decision) by Charlotte-Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Subdivision Ordinance to include standards for connectivity and the use of cul-de-sacs.

The Zoning Committee voted unanimously to recommend APPROVAL of this petition.

Attachment No. 16

PUBLIC HEARINGS

17. Consideration of an ordinance designating the property known as the **Electric Supply and Equipment Company Building** located at 421 Penman Street in Charlotte, North Carolina as a historic landmark.

Attachment No. 17

18. Consideration of an ordinance designating the property known as the **W. T. Alexander Plantation** located at 416/418 West Mallard Creek Church Road in Charlotte, North Carolina as a historic landmark.

Attachment No. 18

19. **Petition No. 2000-130 (hearing) by City Engineering and Property Management Department** to consider a text amendment to the City of Charlotte Zoning Ordinance to amend the current UMUD district regulations within the Tryon Street pedestrian mall, conformance to various approved streetscape plans and to expand the boundaries of the pedestrian mall.

Attachment No. 19

20. Uptown Streetscape Guidelines – Public Hearing to approve modifications to the Uptown Streetscape Plan. Such modifications create a Core Uptown Streetscape Plan for the streets bounded by Church Street to the west, Trolley Corridor to the east and I-277 Loop to the north and south. The Core Uptown Streetscape Plan creates a set of urban design guidelines for new development within the bounds of the aforementioned streets.

Attachment No. 20

21. Petition No. 2001-105 (hearing) by R. Shawn Helda for a change in zoning for approximately 15 acres located on the southwest corner of Pressley Road and Charlotte Park Drive, north of Billy Graham Parkway from B-2 to I-1.

Staff recommends deferral of this petition to allow the petitioners time to convert this petition to a conditional request.

Attachment No. 21

22. Petition No. 2001-116 (hearing) by Karen A. C. Shaw for a change in zoning for approximately 4.4 acres located on the northeast corner of I-485 Highway and Packard Street, west of South Boulevard and south of Myrtle Avenue from R-4 to R-8MF(CD).

Attachment No. 22

23. Petition No. 2001-117 (hearing) by Thomas M. and Sarah E. Pinion for a change in zoning for approximately 1 acre located on the west side of East W. T. Harris Boulevard, south of Delta Lake Drive from R-4 to R-8MF(CD).

Attachment No. 23

24. Petition No. 2001-120 (hearing) by Eugene M. Davant, Sr., for a change in zoning for approximately 0.46 acres located on the northeast corner of North Smith Street and West Tenth Street from I-1 to MUDD.

Attachment No. 24

25. Petition No. 2001-122 (hearing) by Tuscan Development II, LLC, for a change in zoning for approximately 0.88 acres located on the southeast corner of Park Road and Princeton Avenue from R-8(CD) to R-8(CD) Site Plan Amendment.

Attachment No. 25

26. Petition No. 2001-123 (hearing) by Theater Charlotte for a change in zoning for approximately 0.85 acres located on the east side of Queens Road, north of Dartmouth Place and south of Colonial Avenue from O-6(CD) to O-2(CD).

The petitioner is requesting a decision the night of the public hearing.

Attachment No. 26

27. Petition No. 2001-125 (hearing) by Edens & Avant for a change in zoning for approximately 1.5 acres located on the north side of East Boulevard, west of Kenilworth Avenue from O-2 and B-1 to MUDD(CD).

Attachment No. 27

28. Petition No. 2001-126 (hearing) by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to remove the requirement that the Planning Staff review and approve a site plan for the Business Park (BP) district before building permits are issued.

Attachment No. 28

29. Petition No. 2001-127 (hearing) by Neighborhood Development Department, Stanley D. Watkins, to consider a text amendment to the City of Charlotte Zoning Ordinance to add definitions and special requirements for Day Labor Service Agencies and to refine where such uses are permitted.

Attachment No. 29

30. Petition No. 2001-128 (hearing) by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to add a sentence describing the method for calculating the maximum residential density for lots located on an existing publicly maintained street that does not have any record of right-of-way dedication.

Attachment No. 30

31. Petition No. 2001-129 (hearing) by Charlotte-Mecklenburg Planning Commission to consider a text amendment to the City of Charlotte Zoning Ordinance to provide for a reduced setback for multi-family and attached residential developments when both sides of a public street, other than a thoroughfare, runs through the project and to state more specifically and clearly when parking for residential units may be permitted in the setback.

Attachment No. 31

- 32. Petition No. 2001-130 (hearing) by Charlotte-Mecklenburg Planning Commission** to consider a text amendment to the City of Charlotte Zoning Ordinance to refer to the “Watershed Buffer Guidelines for Mecklenburg County” in Section 10.508 (3) (a) and (d) and to delete subsections 4 through 6 which were erroneously included from a previous amendment.

Attachment No. 32

- 33. Petition No. 2001-131 SUB (hearing) by Charlotte-Mecklenburg Planning Commission** to consider a Text Amendment to the City of Charlotte Subdivision Ordinance, Section 7.200 to delete #11, Lots Within Catawba River/Lake Wylie Protection Area, and refer to APPENDIX B, Buffer Plan and to delete APPENDIX A.

Attachment No. 33

- 34. Petition No. 2001-132 (hearing) by Thomas Henson** for a change in zoning for approximately 85 acres located east of South Tryon Street (NC Hwy 49), north of Cambridge Beltway Drive and south of I-485 from I-1 and CC to MUDD-O.

Attachment No. 34

- 35. Public Hearing on Implementing the City’s Regulatory Extraterritorial Jurisdiction (ETJ)** – Conduct a public hearing to hear comments on proposed extraterritorial jurisdiction (ETJ) ordinance.

Attachment No. 35

- 36. Petition No. 2001-133 (hearing) by City Council of City of Charlotte** to extend the coverage of the City of Charlotte Zoning Ordinance outside the corporate limits to certain Extraterritorial (ETJ) areas and establish initial city zoning classification for properties in the ETJ area for approximately 61 square miles outside the corporate limits of the City of Charlotte.

Attachment No. 36